



10/035,987


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Isaac LEVANON *et al*
Assignee: 3DVU, Inc.
Serial No.: 10/035,987
Filed: December 24, 2001
Title: Optimized Image Delivery Over Limited Bandwidth ...
Examiner: David R. Lazaro
Group: 2155
Attorney Docket: 927/3

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Dated: December 28, 2005


Applicant - Isaac Levanon

RESPONSE

This paper is in response to the Office Action mailed July 29, 2005. Reference is made to the accompanying Declaration of the Inventors Isaac Levanson and Yonathan Lavi, which is submitted pursuant to the provisions of 37 C.F.R. 1.131.

It is respectfully submitted that Robotham is not prior art and, therefore, the prior art rejections may not rely on this patent and need to be withdrawn.

Robotham's application for his US patent 6,704,024 was filed 29 November 2000 and his earliest provisional application was filed 7 August 2000, but the Inventors herein developed their invention in November 1999 and had a working model in December 1999 and January 2000.

"A rejection based on _____ can be overcome by ... Filing an affidavit or declaration under _____ showing prior invention ..." (M.P.E.P. ¶ 706.02(b)).

Therefore, since the subject invention was made prior to the earliest effective date of the Robotham patent, Robotham is not prior art. Accordingly, Applicant hereby respectfully requests that the prior art rejections be withdrawn.

Since there were no other rejections or objections stated in the July 29, 2005 Office Action, a Notice of Allowance should issue.

It is, therefore, requested that a Notice of Allowance issue and that all of the pending claims be allowed.

Dated: December 28, 2005

Respectfully submitted,

By 

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